

REMARKS

I. Claim Amendments:

Applicants have amended claims 18, 19, 24, 25, 27, and 34, and canceled claim 23 without prejudice or disclaimer of its subject matter. Support for the amendments may be found in the specification at, for example, at page 10, line 9 - page 11, line 29, and page 12, line 5 - page 13, line 9. Upon entry of this Amendment, claims 18-22 and 24-34 remain pending, with claims 19-33 withdrawn from consideration, and claims 18-22, 24-28, and 34 under current examination.

II. Office Action:

Applicants respectfully traverse the rejections made in the Final Office Action mailed April 21, 2010, wherein the Examiner:

- (1) rejected claim 34 under 35 U.S.C. § 101 as being directed to non-statutory subject matter;
- (2) rejected claims 18 and 34 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent App. Pub. No. 2002/0010794 (“*Ben-Shaul*”) in view of U.S. Patent App. Pub. No. 2002/0073165 to McNulty et al. (“*McNulty*”) and U.S. Patent App. Pub. No. 2003/0028564 (“*Sanfilippo*”);
- (3) rejected claims 19 and 20 under 35 U.S.C. § 103(a) as being unpatentable over *Ben-Shaul* in view of *Sanfilippo* and *McNulty*, and further in view of U.S. Patent No. 6,829,613 (“*Liddy*”);
- (4) rejected claim 21 under 35 U.S.C. § 103(a) as being unpatentable over *Ben-Shaul* in view of *Sanfilippo* and *McNulty*, and further in view of U.S. Patent App. Pub. No. 2002/0062300 (“*Asadov*”);
- (5) rejected claim 22 under 35 U.S.C. § 103(a) as being unpatentable over *Ben-Shaul* in view of *Sanfilippo*, *McNulty*, and *Asadov*, and further in view of U.S. Patent App. Pub. No. 2002/0188681 (“*Gruen*”);
- (6) rejected claims 23, 24, and 26-28 under 35 U.S.C. § 103(a) as being unpatentable over *Ben-Shaul* in view of *Sanfilippo* and *McNulty*, and further in view of U.S. Patent App. Pub. No. 2002/0087659 (“*Chapman*”); and

(7) rejected claim 25 under 35 U.S.C. § 103(a) as being unpatentable over *Ben-Shaul* in view of *Sanfilippo*, *McNulty*, and *Chapman*, and further in view of U.S. Patent No. 7,222,185 (“*Day*”).

III. Rejection of Claim 34 under 35 U.S.C. § 101:

The Office Action rejected claim 34 under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. *See* Final Office Action, pp. 3-4. In particular, the Final Office Action alleged that the “broadest reasonable interpretation of a claim drawn to a computer readable medium...covers forms of non-transitory tangible media and transitory propagating signals per se” and suggested “adding the limitation ‘non-transitory’ to the claim.” Final Office Action, p. 3.

In response, and without conceding to the Office Action’s allegation, Applicants have amended claim 34 to recite a “non transitory computer-readable medium.” This amendment overcomes the 35 U.S.C. § 101 rejection of claim 34, and Applicants accordingly request its withdrawal.

IV. Rejections of Claims 18-28 and 34 under 35 U.S.C. § 103(a):

Applicants request reconsideration and withdrawn of the rejections of claims 18-28 and 34 under 35 U.S.C. § 103(a) as being unpatentable over *Ben-Shaul*, in view of one or more of *McNulty*, *Sanfilippo*, *Liddy*, *Asadov*, *Gruen*, *Chapman*, and *Day*. *See* Final Office Action, pp. 5-15.

The Final Office Action has not properly resolved the *Graham* factual inquiries, the proper resolution of which is the requirement for establishing a framework for an objective obviousness analysis. *See* M.P.E.P. § 2141(II), citing to *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), as reiterated by the U.S. Supreme Court in *KSR International Co. v. Teleflex Inc.*, 550 U.S. 398, 82 USPQ2d 1385 (2007). In particular, the Final Office Action has

not properly ascertained the differences between the claimed invention and the prior art, at least because the Final Office Action has properly not interpreted the prior art and considered both the invention and the prior art as a whole. See M.P.E.P. § 2141(II)(B).

Contrary to the assertions of the Final Office Action, the recited references, taken alone or in combination, do not teach or suggest at least the following features of amended claim 18, for example:

associating said distributed contents and said identified contents with said predefined categories based on semantics affinity with said reference content, said semantics affinity being calculated as the distance of each of said distributed contents and said identified contents to said at least a reference content;

selecting at least one of said predefined categories, wherein the distributed contents associated with the selected predefined category have an interest value that exceeds a predetermined interest threshold, wherein the interest value is indicative of user interest in the distributed contents.

Ben-Shaul discloses “a content and application delivery system comprising...an origin web server” and “an edge server communicating via a data network with the origin web server and with a policy control server.” *Ben-Shaul*, paragraph [0072]. The origin web server “has a first memory for storing a first version of web content,” and the edge server “has a second memory for storing a second version of the web content.” *Id.* In particular, “the second version is derived from the first version by selecting resources from the first version according to predetermined criteria.” *Ben-Shaul*, paragraph [0083]. In one example, “the predetermined criteria comprise updated resources in the first version that are absent in the second version.”

The Final Office Action conceded that *Ben-Shaul* “does not teach categorizing content in the original serves” and “does not explicitly disclose using a reference content to categorize addition content based on semantics distance.” See Office Action, pp. 6-7. Therefore, *Ben-Shaul* fails to teach or suggest the step of “associating said distributed contents and said

identified contents with said predefined categories based on semantics affinity with said reference content,” as recited by claim 18.

Furthermore, the Final Office Action is completely silent about the pertinence of the *Ben-Shaul* to the step of “selecting at least one of said predefined categories,” as recited in claim 18, nor does *Ben-Shaul* teach or suggest this limitation. Although *Ben-Shaul* discloses “appropriate predefined directories” that are stored on the edge server, *Ben-Shaul* does not teach or suggest selecting any of these predefined directory. See *Ben-Shaul*, para. [0062]. *Ben-Shaul* is also silent about that “the distributed contents associated with the selected predetermined category have an interest value that exceeds a predetermined interest threshold,” and “the interest value is indicative of user interest in the distributed contents,” as recited by claim 18.

McNulty and *Sanfilippo*, taken either alone or in combination, do not cure the deficiencies of *Ben-Shaul* because they also fail to teach or suggest the above-quote claim features recited in amended claim 18. Instead, *McNulty* discloses “a content sensitive retrieval system and method” that “retrieve content and action relevant to the information that the user has requested and present the additional content and action on a real-time basis to the user.” *McNulty*, Abstract. In particular, *McNulty* discloses “an application program that specifies a taxonomy of the relationship of content items and actions based on their categories.” *McNulty*, para. [0010]. However, as conceded by the Final Office Action, *McNulty* does not teach or suggest “associating said distributed contents and said identified contents with said predefined categories based on semantics affinity with said reference content,” as recited by claim 18.

Sanfilippo discloses “a method and system for matching a reference document with a plurality of corpus documents.” *Sanfilippo*, paragraph [0019]. A “matching score is produced by determining a distance...between types defining semantic content of the reference and corpus documents.” *Sanfilippo*, paragraph [0022]. The Final Office Action interpreted *Sanfilippo*’s

“matching score” as corresponding to the claimed “semantics affinity.” *See* Office Action, p. 7. However, even accepting this interpretation solely for the sake of argument, a position Applicants do not concede, *Sanfilippo* still fails to teach or suggest at least Applicants’ claimed “associating said identified contents with said predefined categories” based on such a matching score.

Furthermore, the Final Office Action does not allege, and *McNulty* and *Sanfilippo* do not teach or suggest, the step of “selecting at least one of said predefined categories, wherein the distributed contents associated with the selected predefined category have an interest value that exceeds a predetermined interest threshold, wherein the interest value is indicative of user interest in the distributed contents,” as recited by claim 18.

For at least the above reasons, the Final Office Action has not properly ascertained the differences between the prior art and the claimed invention. Independent claim 18 and its dependent claim 34 should therefore be allowable over *Ben-Shaul*, *McNulty*, and *Sanfilippo*. Moreover, *Liddy*, *Asadov*, *Gruen*, *Chapman*, and *Day*, whether taken alone or in any combination, fail to cure these deficiencies of *Ben-Shaul*, *McNulty*, and *Sanfilippo*, and the Office Action does not allege that they do so. Therefore, dependent claims 19-22 and 24-28 are not obvious over *Ben-Shaul*, *McNulty*, and *Sanfilippo* in view of one or more of *Liddy*, *Asadov*, *Gruen*, *Chapman*, and *Day*, whether taken alone or in any combination, at least by virtue of being dependent from non-obvious base claim 18, and because they recite additional features not taught or suggested by the cited references. Accordingly, Applicant requests the withdrawal of the 35 U.S.C. § 103(a) rejections and allowance of these claims.

V. **Conclusion:**

Applicants request reconsideration of the application and withdrawal of the objections and rejections. Pending claims 18-22, 24-28, and 34 are in condition for allowance, and Applicants request a favorable action.

The Final Office Action contains a number of statements reflecting characterizations of the cited art and related claims. Regardless of whether any such statements are identified herein, Applicants decline to automatically subscribe to any such statements or characterizations.

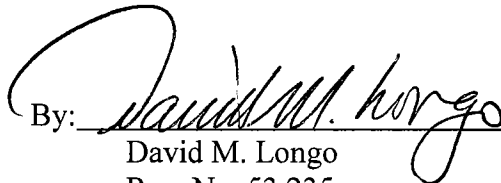
If there are any remaining issues or misunderstandings, Applicants request the Examiner telephone the undersigned representative to discuss them.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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